

**REMARKS**

**Rejections under 35 USC §102(b)**

**Claims 1 and 7 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,218,658 to Taneda et al. (“Taneda et al”).**

Claims 1 and 7 have been amended to recite “wherein light-absorbing body is located outside of propagation region of light travelling inside the medium.”

According to Taneda et al, optical fuses 1 is located inside of propagation region of light travelling inside the medium as shown in Figs. 3, 4, and 14. Thus, Taneda et al does not teach or suggest “wherein light-absorbing body is located outside of propagation region of light travelling inside the medium,” as recited in claims 1 and 7.

According to Taneda et al, all the light transmitted from optical fiber 2 to optical fiber 5 contributes to generating heat and degrading the material. In contrast, according to the present invention, because light-absorbing body is located outside of propagation region of light, only a portion of light is used to generate heat to degrade the material.

For at least these reasons, claims 1 and 7 patentably distinguish over Taneda et al.

**Claims 1, 2 and 6-8 were rejected under 35 USC §102(b) as being anticipated by Todoroki et al. *Observation of Blowing out in Low Loss Passive Optical Fuse Formed in Silica Glass Optical Fiber Circuit* published in The Japan Society of Applied Physics, Vol. 34, No. 6A (hereinafter “the JSAP article”).**

A declaration under 37 CFR 1.132, attached hereto establishes that the article is describing applicant's own work. The declaration indicates that Applicant is the sole inventor and that the other author was not a co-inventor. The MPEP explains as follows:

**715.01(c) Reference Is Publication of Applicant's Own Invention  
[R-2]**

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**I. < CO-AUTHORSHIP**

Where the applicant is one of the co-authors of a publication cited against his or her application, he or she may overcome the rejection by filing an affidavit or declaration under 37 CFR 1.131. Alternatively, the applicant may overcome the rejection by filing a specific affidavit or declaration under 37 CFR 1.132 establishing that the article is describing applicant's own work. An affidavit or declaration by applicant alone indicating that applicant is the sole inventor and that the others were merely working under his or her direction is sufficient to remove the publication as a reference under 35 U.S.C. 102(a). *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982).

Thus, the rejection has been overcome by the submission of the declaration.

**Rejections under 35 USC §103(a)**

**Claim 3 was rejected under 35 USC §103(a) as being unpatentable over Taneda et al or the JSAP article as applied to claim 1 above, and further in view of U.S. Patent No. 6,612,753 to Cryan et al. ("Cryan et al").**

Claim 3 depends from claim 1, which is patentable over Taneda et al and the JSAP article as discussed above.

Application No.: 10/578,773  
Art Unit: 2874

Amendment under 37 C.F.R. §1.111  
Attorney Docket No.: 052911

Cryan et al has been cited for allegedly disclosing a fixing member for fixing an optical fiber. However, such disclosure of Cryan et al does not remedy the deficiencies of Taneda et al or the JSAP discussed above.

For at least these reasons, claim 3 patentably distinguishes over Taneda et al, the JSAP article and Cryan et al.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Enclosure: Executed Declaration under 37 C.F.R. §1.132